

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ANDREW SNITZER and PAUL LIVANT,

Plaintiffs,

v.

THE BOARD OF TRUSTEES OF THE AMERICAN
FEDERATION OF MUSICIANS AND EMPLOYERS'
PENSION FUND, ET AL.,

Defendants.

Case 1:17-cv-05361-VEC

**NOTICE OF PLAINTIFFS' UNOPPOSED MOTION
FOR CERTIFICATION OF A SETTLEMENT CLASS,
PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT, AND APPROVAL OF NOTICE**

PLEASE TAKE NOTICE that for the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement and Approval of Notice ("Memorandum"), and the Class Action Settlement Agreement dated March 25, 2020 ("Settlement Agreement"), Plaintiffs in the above-captioned action ("Action") hereby move the Court for entry of an order that provides for among other things: (i) certification of the proposed settlement Class; (ii) preliminary approval of the proposed settlement ("Settlement"); (iii) approval of the forms of notice to Class Members and the procedures for their dissemination; and (iv) a schedule leading up to the final settlement hearing at which the Court will consider whether the proposed Settlement should receive final approval, and whether the application that Plaintiffs and Plaintiffs' counsel will make for attorneys' fees, litigation expenses, and Service Awards for the Class Representatives¹ should receive approval.

¹ The Class Representatives have made a commitment to donate any Service Awards approved by the Court to an organization or organizations fighting to protect the interests of AFM Plan participants.

The Settlement Agreement is attached as Exhibit 1 to the Declaration of Steven A. Schwartz in support of this Motion filed concurrently herewith.

Exhibit 1 to the Settlement Agreement is Plaintiff's proposed form of Order Granting Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement and Approval of Notice. Exhibit 2 to the Settlement Agreement is the Parties' proposed form of Notice.

For the reasons set forth in Plaintiffs' Memorandum, Plaintiffs respectfully request that the Court find that the proposed Settlement merits preliminary approval and enter the proposed Order.

Defendants do not oppose granting the relief sought this Motion. Defendants do not join in Plaintiffs' supporting Memorandum.

Dated: March 25, 2020

Respectfully submitted,

By: /s/ Steven A. Schwartz
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CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2020, a true and correct copy of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement was served by CM/ECF to the parties registered to the Court's CM/ECF system.

Dated: March 25, 2020

/s/ Steven A. Schwartz

Steven A. Schwartz